

ASSEMBLY JUDICIARY COMMITTEE

STATEMENT TO

ASSEMBLY, No. 567

with committee amendments

STATE OF NEW JERSEY

DATED: MARCH 10, 2025

The Assembly Judiciary Committee reports and with committee amendments favorably Assembly Bill No. 567.

This bill permits the court to order counseling for any minor child of either party to the domestic violence complaint. The bill also permits the court to order legal and physical custody of a minor child to the plaintiff in certain circumstances involving domestic violence.

A court may order counseling in appropriate cases, including when a child witnesses or experiences domestic violence while residing in the household with the abuser and the victim. Additionally, the bill permits the court to order the abusive party to pay for the domestic violence counseling provided to the child. A defendant ordered to pay for domestic violence counseling is required to show proof of payment of the services to the court. The bill permits the court to order a defendant to provide reimbursement for costs incurred in providing counseling for a child. The court may enter this order upon evaluating and determining the defendant's ability to pay for such services. The defendant may be required to pay the victim directly, reimburse the Victims of Crime Compensation Office for compensation paid to the victim from the Victims of Crime Compensation Office, or reimburse any party that may have compensated the victim.

The bill also establishes that, upon the issuance of a final restraining order, there is a presumption that legal and physical custody be awarded to the non-abusive parent. Nothing in the bill precludes the non-custodial parent from making an application to the court to modify custody after an award of custody to the non-abusive parent. As amended, the bill requires that absent good cause to the contrary, and upon request of the victim, the court is required to order in any subsequent child support proceeding following the entry of a final restraining order, that the victim is not required to be in the same room as the person found by the court to have committed domestic violence.

This bill was pre-filed for introduction in the 2024-2025 session pending technical review. As reported, the bill includes the changes required by technical review, which has been performed.

COMMITTEE AMENDMENTS:

The committee amended the bill to:

(1) clarify that counseling is available to any minor child of either party to the domestic violence complaint, rather than children who may have witnessed or been exposed to domestic violence while residing in the household;

(2) clarify that, absent good cause to the contrary, and at the victims request, the court order provide that the victim not be in the same room as the person found to have committed an act of domestic violence; and

(3) make technical changes.